

**UNITED STATES DISTRICT COURT**  
**Southern District of Indiana**  
**Office of the Clerk**

Room 105  
U.S. Courthouse  
Indianapolis, Indiana 46204

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September 1, 2004

**NOTICE**

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE  
SOUTHERN DISTRICT OF INDIANA

**PART I**

Whereas the Court has considered the recommendation of the Local Rules  
Advisory Committee that certain Local Rules be amended; and

Whereas the Clerk issued Public Notices dated July 1, 2004, and August 1, 2004,  
regarding the recommended amendments; and

Whereas the Court has considered such proposed amendments and the  
comments received, and has determined that the amendments should be adopted,

**IT IS NOW ORDERED** pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal  
Rules of Civil Procedure that the following amendments to the Local Rules of this Court  
are adopted. Unless otherwise indicated, as seen in this Notice **redline** text is added  
and **struck** text is deleted. All amendments are **effective September 1, 2004**.

A. It is recommended that **Local Rule 5.1** be **amended** as follows:

**Local Rule 5.1 - General Format of ~~Papers~~ Documents Presented for Filing**

**(a) Electronic Filings**

- (1) **Format of Documents Submitted Electronically.**  
**Documents submitted via the Court's electronic filing system under Rule 5.4**  
**must be in PDF (Portable Document Format). Whenever possible, documents**  
**shall be converted to PDF directly from a word processing program (e.g.,**

Microsoft Word® or Corel WordPerfect®), rather than created from the scanned image of a paper document. Documents which exist only in paper format may be scanned into PDF for electronic filing. Proposed Orders must not be scanned into PDF, and must always be converted to PDF directly from a word-processing application.

(2) Signature.

Every electronically filed document shall clearly identify the name, address, and telephone number, and Internet e-mail address of the filing attorney. Any electronically filed document not signed by the filing attorney appearing of record (as required by Local Rule 5.11) and submitted electronically using the filing attorney's ECF Login and Password shall, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney.

(3) Electronic Copies and Electronic File-Stamps.

When a document is filed electronically, the official record is the electronic recording of the document as stored by the Court. The Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The Notice of Electronic Filing will contain a hyperlink to the filed document which constitutes service of the electronically filed document, thereby replacing conventional paper service. The Notice of Electronic Filing also serves as the Court's date-stamp and proof of filing. When filing electronically, it is not necessary to provide the Court with envelopes and postage or additional copies of the document, as the document will be served on all registered counsel via email.

(4) Form of Orders.

The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the Clerk shall be accompanied by a suitable tendered form of order together with a service list of all parties or their counsel whose names and email addresses (or postal address, if appropriate) shall be typed in the lower left-hand corner of the tendered form of order. The tendered order must be converted to a separate PDF file directly from a word-processing application (as opposed to scanning) and must be submitted electronically as an attachment to the motion or petition.

**(b) Paper Filings**

(1) Form, Style and Size of Papers Filings.

In order that the paper files of the Clerk's office may be kept under the system commonly known as "flat filing," all papers presented to the Clerk or Judge for filing shall be flat and unfolded. All paper filings shall be on white paper of good quality, 8 ½" x 11" in size, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process, on single-sided paper, and double spaced, except for quoted material. The Paper filings shall be either stapled in the

top left corner or bound in a manner which permits the document to lie reasonably flat when open (e.g., spiral bound), and shall be two-hole punched at the top (but not fastened)(the punches shall be 2 ¾" apart and appropriately centered). Should the nature of the filing be so unusual as to make these methods of fastening infeasible, a party may seek leave of the Court to use a different method. Such leave shall be sought prior to the submission of any filing fastened in any way not conforming to this Rule. The title of each filing must be set out on the first page. Each page shall be numbered consecutively. Any **paper** filing containing four or more exhibits shall include a separate index identifying and briefly describing each exhibit.

(2) Signature.

Every ~~pleading, motion, or other~~ paper filing shall clearly identify the name, address, and telephone number of the *pro se* litigant or attorney. Any ~~pleading, motion, or other~~ paper filing not signed by at least one attorney appearing of record as required by Rule 11, *Federal Rules of Civil Procedure* shall, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney. A rubber stamp or facsimile signature on the original copy of such document shall not be used.

(3) Number of Copies; Return of File-Stamped Copies.

An original of all ~~pleadings, motions, and other papers~~ **filings** shall be submitted for filing unless ordered otherwise. If a party wishes to receive a file-stamped copy of ~~the pleading, motion, or a~~ paper **filing** by return mail, the party shall include an additional copy to be file-stamped, and a self-addressed envelope of adequate size and with adequate postage.

(4) Form of Orders.

The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the Clerk shall be accompanied by a suitable tendered form of order together with sufficient copies thereof for service upon all parties or their counsel whose names and addresses shall be typed in the lower left-hand corner of the tendered form of order. Whenever the Clerk is required to give notice, as provided by Rules 53(d)(1), 53(e)(1), 65.1 and 77(d) of the Federal Rules of Civil Procedure, or Local Rule 24.1, the party or parties requesting such notice shall furnish the Clerk with sufficient copies of the proposed notice to be given and the names and addresses of the parties or their counsel to whom such notice is to be given.

**(c) Facsimile Filings**

The Clerk is authorized to file papers received by facsimile transmission only upon specific authorization by a Judge of the Court granted upon a finding of compelling circumstances warranting such method of filing. Whenever facsimile filings are permitted, a substitute copy that complies with Local Rule 5.1(a) shall be filed to replace the facsimile within seven (7) days.

**(d) Notice by Publication**

All notices required to be published in a case shall be delivered by the Clerk of the Court to the party originating such notice or his counsel, who shall have the responsibility for delivering such notice to the appropriate newspapers for publication.

Notes: Rule amended and effective September 1, 2004. Previous amendments Amended effective January 1, 2000. Subsection (f) was formerly contained in Local Rule 4.1(b).

**B. Local Rule 5.4 shall be amended as follows:**

**Local Rule 5.4 - Filing of Documents Electronically**

The Court will accept for filing documents submitted, signed or verified by electronic means consistent with Local Rule 5.11 that comply with and the rules and procedures established by the Court. Filing of documents electronically in compliance with these rules and procedures shall constitute filing with the Court for purposes of FED.R.CIV.P. 5(e).

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

**C. Local Rule 5.5 shall be amended as follows:**

**Local Rule 5.5 - Definitions for Cases Filed Electronically**

(a) The term “Electronic Case Filing System” (ECF) is used to refer to the Court’s system that receives documents filed in electronic form via the Internet.

(b) The term “Filing User” is used to refer to attorneys those who have an Court-issued ECF log-in and password to file documents electronically.

(c) The term “Notice of Electronic Filing” is used to refer to the notice that is automatically generated by the Electronic Case Filing System at the time a document is filed with the system, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the attorney(s) receiving the notice, and an electronic link (hyperlink) to the filed document, which allows recipients to retrieve the document automatically.

(d) The term "PDF" is used to refer to a document that exists in Portable Document Format. A document file created with a word processor, or a paper document which has been scanned, must first be converted to portable document format before it can be electronically filed with the Court. Converted files contain the extension ".pdf"

(e) The term "PACER" (Public Access to Court Electronic Records) is used to refer to the automated system that allows an individual to view, print and download court docket information via the Internet.

Notes: Effective September 1, 2004. Sections (a) and (b) amended, and sections (c) through (e) added, September 1, 2004. Rule adopted July 1, 2002.

D. Local Rule 5.6 shall be amended as follows:

#### Local Rule 5.6 - Scope of Electronic Filing

All civil cases filed in this Court on or after July 1, 2002, are assigned to the Court's Electronic Case Filing System and shall be maintained in the system in accordance with these local rules. All petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the Electronic Case Filing System must be electronically filed, except as expressly provided and in exceptional circumstances which would prevent a Filing User from filing electronically, in these rules or as authorized by the Court. Pro se litigants may not file documents electronically.

~~The filing of~~ The initial pleading and accompanying documents, including the complaint and the issuance and service of the summons, ~~will be accomplished~~ shall be filed and served in the traditional manner on paper. ~~of paper documents rather than electronically~~ Once a case has been assigned to the Electronic Filing System and has been opened, parties must promptly provide the Clerk with electronic copies of all the documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the Court.

~~Notwithstanding the foregoing, attorneys and others who are not Filing Users in the Electronic Filing System are not required to electronically file pleadings and other documents in a case assigned to the System. Once registered, a Filing User may seek leave of the Court to withdraw from participation in the Electronic Filing System.~~

All documents filed electronically must comply with the format and procedures set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

~~The complaint and subsequent documents in actions seeking judicial review pursuant to 42 U.S.C. § 405(g) shall not be filed electronically.~~

Notes: **Rule amended and effective September 1, 2004.** ~~Paragraph 5 added October 1, 2002.~~ Rule adopted July 1, 2002.

E. **Local Rule 5.7** shall be **amended** as follows:

**Local Rule 5.7 – Eligibility, Registration, and Passwords for Electronic Filing**

**(a) Eligibility.** Attorneys who are eligible to register as Filing Users of the Court's Electronic Case Filing System include attorneys admitted to the bar of this Court, ~~including those attorneys admitted pro hac vice to the bar of this Court, and attorneys authorized to represent the United States.~~ **may register as Filing Users of the Court's Electronic Filing System.** Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this Court. **Filing Users must notify the Clerk in writing within 30 days of any change of address, electronic or otherwise.**

**(b) Registration.** Attorneys of record for pending cases assigned to the Electronic Case Filing System must register with the Clerk to obtain an ECF login and password for use when filing documents electronically. Attorneys who wish to be exempted from participation in the program may file a Petition for ECF Exemption and a CM/ECF Technical Requirements Questionnaire. The petition and questionnaire must be filed for each pending case on the CM/ECF system. The petition will be reviewed by the Court in each case and granted only upon showing of good cause. The Court's ECF Registration Form and CM/ECF Technical Requirements Questionnaire are available on the Court's Internet website at [www.insd.uscourts.gov](http://www.insd.uscourts.gov).

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised.

**Note: Rule amended and effective September 1, 2004.** Rule adopted July 1, 2002.

Local Rules Advisory Committee Comments

~~Upon Court order, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.~~

F. The third and fourth paragraphs of **Local Rule 5.8** shall be **amended** as follows:

**Local Rule 5.8 - Consequences of Electronic Filing**

Electronic transmission of a document to the Electronic **Case** Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed.

~~Filing a document electronically does not alter the filing deadline for that document.~~ Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time of the division to which the case has been assigned in order to be considered timely filed that day.

When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all **attorneys of record in the matter who are Filing Users** ~~parties who have consented to electronic service~~. The Notice of Electronic Filing will contain a hyperlink to the filed document. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing, which serves



as the Court's date-stamp and proof of filing. Transmission of the Notice of Electronic Filing to **an attorney's** the registered e-mail address constitutes service of **the** a pleading, **hyperlinked** document(s), order or notice upon **the** any attorney. in the case who has consented to electronic service. For cases which are a part of the Court's Electronic Case Filing System, Only service of the Notice of Electronic Filing, **generated and transmitted** by the Court's system, is sufficient to constitute electronic service **of an electronically filed document**. Those parties or attorneys within the case who **are exempt from the electronic filing requirement** have not consented to electronic service must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: **Rule amended and effective September 1, 2004.** Rule adopted effective July 1, 2002.

G. The first paragraph of **Local Rule 5.9** shall be **amended** as follows:

#### **Local Rule 5.9 - Entry of Court Orders in Cases Filed Electronically**

All orders, decrees, judgments, and proceedings of the Court in cases filed electronically will be filed in accordance with these rules which will constitute entry on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79. All signed orders **will** may be filed electronically by the Court or Court personnel. Any order **or other court-issued document** filed electronically without the original signature of the Judge **or Clerk** has the same force and effect as if the Judge **or Clerk** had **signed** affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. **Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.**

A Filing User submitting a document electronically that requires a Judge's signature must do so in accordance with the policy set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

Notes: **Rule amended and effective September 1, 2004.** Rule adopted July 1, 2002.



H. Local Rule 5.10 shall be amended as follows:

**Local Rule 5.10 – Attachments and Exhibits in Cases Filed Electronically**

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, **except as specifically permitted in these Rules or as granted by the Court unless the Court grants leave for manual filing . Each supporting exhibit or attachment must be created as a separate PDF document and submitted in one filing as an attachment to the main document.** A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

~~Filing Users may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format or the file size exceeds 1.5 megabytes (see Electronic Case Filing Policies and Procedures Manual for more information).~~

**Exceptions to the electronic filing requirement include the following documents:**

- a. transcripts in cases filed by claimants under the Social Security Act, and related statutes;**
- b. PDF documents exceeding 2MB (see Electronic Case Filing Policies and Procedures Manual for more information);**
- c. exhibits in a format that does not readily permit electronic filing, such as large maps, charts, video tapes, and similar materials;**
- d. paper documents that are illegible when scanned into PDF format,**
- e. documents filed under seal (see Local Rule 5.3).**

Such component shall not be filed electronically, but instead shall be manually filed, on paper, with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties making a manual filing of a component shall file electronically, **in place of the manually filed component,** a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically (see form in Electronic Case Filing Policies and Procedures Manual for the Southern District of Indiana). **The manually filed component must be presented to the Clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of manual filing.**

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

I. Local Rule 5.11 shall be amended as follows:

#### Local Rule 5.11 – Signatures in Cases Filed Electronically

The user ECF log-in and password required to submit documents to the Electronic Case Filing System serve in part as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure (including FED. R. CIV. P. 11 ), the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail of the Filing User. In addition, When converting case documents to PDF directly from a word processing application (as opposed to scanning), the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed on the signature line in the space where the Filing User's handwritten signature would otherwise appear. Documents requiring a signature other than that of a Filing User must bear an original handwritten signature and must be scanned into PDF for electronic filing.

Documents signed by an attorney, must be filed using that attorney's ECF log-in and password and may not be filed using a log-in and password belonging to another attorney. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents requiring signatures for two or more parties represented by different counsel of more than one party must be electronically filed either by: (a) representing the consent of the other attorney(s) parties on the signature line of the document where the other attorney's handwritten signature would otherwise appear; (b) identifying in the signature block on the document attorneys parties whose signatures are required and by the submission of a notice of endorsement by the other attorneys parties no later than three business days after filing; (c) submitting a scanned document containing all necessary signatures; or (d) in any other manner approved by the Court.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

## PART II

Whereas the E-Government Act of 2002 (the “Act”), Public Law No. 107-347, was adopted December of 2002; and

Whereas H.R. 1303 was signed into law August 2, 2004, amending section 205(c)(3) of the Act to provide an additional method of managing redacted documents; and

Whereas the Court has determined that amendment of Local Rule 5.2 is required to maintain compliance with the Act;

**IT IS NOW ORDERED** pursuant to 28 U.S.C. § 2071(e) and Rule 83 of the Federal Rules of Civil Procedure that Local Rule 5.2 is amended as shown below. Unless otherwise indicated, as seen in this Notice **redline** text is added and **struck** text is deleted. The amendment is **effective September 1, 2004**.

### Local Rule 5.2 - Public Access to Certain Case Information

**(a) Personal Identifiers.** In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings and documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court:

- (1)** ~~a.~~ Social Security numbers. If an individual’s social security number must be included in a pleading or document, only the last **three** ~~four~~ digits of that number should be used.
- (2)** ~~b.~~ Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3)** ~~c.~~ Dates of birth. If an individual’s date of birth must be included in a pleading or document, only the year should be used.
- (4)** ~~d.~~ Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

**(b) Redaction.** In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

(1) file an unredacted **version of the** document under seal, following the procedure set forth in Local Rule 5.3(c) – **or**

(2) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

~~This~~ **The unredacted version of the document or the reference list** document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

**(c) Responsibility for Redaction.** The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

**The Court maintains an Internet website at [www.insd.uscourts.gov](http://www.insd.uscourts.gov).**

Notes: **Rule amended and effective September 1, 2004.** Rule adopted July 1, 2002, and amended to comply with the E-Government Act on April 16, 2003, **and September 1, 2004.**